IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 835 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/09/2004 in WP NO : 32336 OF 1998 on the file of the High Court.)

Between:

1 Singareni Collieries Co.Ltd., Kothagudem,

rep., by the Chairman & Managing Director,
Singareni Collieries Co.Ltd.,
2 Singareni Collieries Co.Ltd.,

Manuguru rep., by the Sr.Divisional Manager
3 Singareni Collieries Co.Ltd., Manuguru,

rep., by the Chief Medical Officer.
4 The Deputy Medical Superintendent Singareni

Collieries Co.Ltd., Manuguru.

..... APPELLANTS

AND

1 V.Andhra, s/o Yellaiah, r/o Qr.No.D-1002, P.V.Township,
Manuguru Mandal, Khammam District.
2 Dr.D.R.P.S.Krishna, MD., Sri Lalitha Padmavathi Nursing

Home, Opp:Ganesh Temple, Kothagudem
(R2 not necessary in WA /05)

.....RESPONDENTS

Counsel for the Appellants :MR.K.SRINIVASA MURTHY
Counsel for the Respondents: MR.G.VIDYASAGAR

The Court made the following :

JUDGMENT (Per the Honourable Smt.Justice T.Meenakumari)

This writ appeal is filed by the respondents-appellants herein aggrieved by the order of the learned single Judge in W.P.No.32336 of 1998, dated 9.9.2004, under which the said writ petition was allowed as indicated therein.

The 1st respondent herein is the writ petitioner. He filed the writ petition seeking a direction more particularly one in the nature of Writ of Mandamus to declare the proceedings of the 3rd respondent-appellant, dated 17.10.1998 and the consequential proceedings of the 2nd respondent-appellant dated 27.10.1998 as illegal and to direct respondents-1 and 2-appellants to reinstate the petitioner into service forthwith as Motor Vehicle Driver with all consequential benefits. The learned single Judge having considered the rival contentions and having observed that the case of the writ petitioner was not dealt with fairly and the services of the petitioner could not have been terminated without examining him by a duly constituted Medical Board as was directed by the 1st respondent-appellant on 10.8.1998, ordered for reinstatement of the petitioner into service with all consequential benefits. Having aggrieved by the same, the present writ appeal is preferred by the respondents-appellants herein.

Heard the learned counsel on either side.

It is contended by the learned counsel appearing on behalf of the appellants that the Medical Board consisting of Dr.Naik and Dr.C.R.P.F. Krishna, found that the writ petitioner was unfit to hold the post of driver. The order of the learned single Judge is not justified in holding that the above report is not correct and therefore, the order of the learned single Judge, is liable to be set aside.

On the other hand, it is contended by the learned counsel for the writ petitioner that as per the directions of the 1st appellant, the competent Medical Board

was not constituted and the petitioner was never asked to be present before the duly constituted Medical Board. It is further submitted that the Osmania General Hospital had issued the certificate stating that the writ petitioner is fit to hold the post of a driver and therefore, the order of the learned single Judge, does not warrant any interference by this Court.

We have perused the order impugned. As rightly observed by the learned single Judge, when once the opinion of a Doctor is obtained in respect of the writ petitioner, he cannot be subjected to go to another hospital once again. It is rightly pointed out by the learned single Judge that the services of the petitioner could not have been terminated without examining him by a duly constituted Medical Board as was directed by the 1st appellant on 10.8.1998. While ordering reinstatement into service, the learned single Judge is justified in directing the appellants to re examine the petitioner by constituting a proper Medical Board and thereupon, the appellants shall communicate the decision of the Board to the petitioner and call for his examination. Therefore, nothing prevents the appellants to proceed against the petitioner in consonance with the decision of the Medical Board. In this background of the matter, we feel that the order of the learned single Judge does not suffer from any irregularity or irregularity and we see so merits in the writ appeal and the same is liable to be dismissed.

Accordingly, this writ appeal is dismissed. No costs.

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(T.MEENAKUMARI,J)

13TH JUNE, 2005.

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(P.LAKSHMANA REDDY,J)

Gurc.

To

1 The Chairman & Managing Director Singareni Collieries

Co.Ltd., Kothagudem,

2 The Sr.Divisional Manager, Manuguru, Singareni

Collieries Co.Ltd., Manuguru,

3 The Chief Medical Officer, Manuguru, Singareni Collieries

Co.Ltd., Manuguru.

4 The Deputy Medical Superintendent Singareni

Collieries Co.Ltd., Manuguru.

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